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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/417,739	Applicant(s) BOSS ET AL.	
	Examiner LaShonda T Jacobs	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 16 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 16 and 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' amendment filed on July 21, 2004. Claims 4 and 15 have been cancelled. Claims 7-9, 16, and 37-43 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-9, 16 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant in view of Zilberstein et al (hereinafter, "Zilberstein", 6,606,657).

As per claim 7, Bryant discloses:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving a first client request destined for said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- recording selected information indicative of said first client request (see Fig. 2, col. 2, lines 8-12, and col. 3, lines 62-66);

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- transmitting said first client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- receiving a response to said first client request from said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- transmitting said response to said client object (col. 3, lines 34-36, and col. 4, lines 49-56).

However, Bryant does not explicitly disclose:

- receiving a second client request destined for said network;
- transmitting said second client request onto said network; and
- recording selected information indicative of said second client request, whereby recorded information is created, wherein the recorded information indicative of said second client request is a function of said response.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- receiving a second client request destined for said network (col. 8, lines 35-45 and col. 9, lines 35-40; Zilberstein discloses a new URL (second request) being accessed by a client by a link in the viewed web page);
- transmitting said second client request onto said network (col. 8, lines 35-45 and col. 9, lines 35-40); and
- recording selected information indicative of said second client request, whereby recorded information is created, wherein the recorded information indicative of said second client request is a function of said response (col. 2, lines 59-63, col. 8, lines 35-

45, col. 9, lines 3-6, lines 17-24, lines 35-40 and lines 54-59; Zilberstein discloses a new URL (second request) being accessed by a client selecting a link in the viewed web page. Therefore, Zilberstein discloses recording selected information indicative of said client request, whereby recorded information is created, wherein the recorded information indicative of said second client request is a function of the said response).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

As per claim 16, Bryant discloses:

- a first interface connectible to a client object, whereby said interface receives requests destined for said network originating from said client object (at least implicitly) (col. 3, lines 5-8 and lines 49-61);
- a recorder object in communication with said first object for receiving said requests by way of said first interface (col. 4, lines 66-67 and col. 5, lines 1-6), and said recorder object creating a record comprising a representation of said requests (see Fig. 2, col. 3, lines 62-67, col. 4, lines 1-3, and col. 5, lines 3-6); and
- a second interface connectible to said network (at least implicitly) (col. 2, lines 66-67, col. 3, lines 1-5, lines 14-26), said second interface being in communication with said recorder object wherein said recorder object transmits said request to said network by way of said second interface (col. 4, lines 49-56); and
- wherein said second interface receives responses destined for said client object originating from said network, wherein said recorder object is in communication with

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said second interface for receiving said responses by the way said second interface, wherein said first interface is in communication with said recorder object whereby said recorder object transmits said responses to said client object by the way of said first interface, (col. 3, lines 62-67, col. 4, lines 1-3, lines 50-67 and col. 5, lines 1-6).

However, Bryant does not explicitly disclose:

- wherein at some of the representation of said requests is a function of said responses.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- wherein at some of the representation of said requests is a function of said responses (col. 2, lines 59-63, col. 8, lines 35-45, col. 9, lines 3-6, lines 17-24, lines 35-40 and lines 54-59; Zilberstein discloses a new URL (second request) being accessed by a client selecting a link in the viewed web page. Therefore, Zilberstein discloses wherein at some of the representation of said requests is a function of said responses).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by specifying the new URL accessed by a client selecting a link in the viewed web page as a function of the first request in order to record the time the client spent viewing the web pages in a timely and efficient manner.

As per claims 8 and 37, Bryant discloses the invention substantially as claims discussed above.

However, Bryant does not explicitly disclose:

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- wherein at least one of said responses is a web page including a plurality of hyperlinks, and wherein said function takes into account the relative location of one said hyperlinks on said web page.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- wherein at least one of said responses is a web page including a plurality of hyperlinks, and wherein said function takes into account the relative location of one said hyperlinks on said web page (col. 2, lines 59-63, col. 8, lines 35-45, col. 9, lines 3-6, lines 17-24, lines 35-40 and lines 54-59; Zilberstein discloses a new URL (second request) being accessed by a client selecting a link in the viewed web page. Therefore, Zilberstein discloses wherein at some of the representation of said requests is a function of said responses).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by specifying the new URL accessed by a client selecting a link in the viewed web page as a function of the first request in order to record the time the client spent viewing the web pages in a timely and efficient manner.

As per claim 9, Bryant discloses:

- coupling to a client object by the way of a proxy server (monitor) interface of said client object (see abstract, col. 3, lines 59-61 and col. 10, lines 15-16);
- receiving a first client request destined for said network (col. 3, lines 34-36, and col. 4, lines 49-56);

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- transmitting said first client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);
- receiving a second client request destined for said network (see Fig. 2, col. 3, lines 34-36, lines 62-67, and col. 4, lines 1-3); and
- transmitting said second client request onto said network (col. 3, lines 34-36, and col. 4, lines 49-56);

However, Bryant does not explicitly disclose:

- recording the time between the first and second client requests.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- recording the time between the first and second client requests (col. 9, lines 3-6, lines 17-20 and lines 41-44).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

As per claims **15**, **40**, and **41** Bryant discloses:

- a computer-readable medium containing computer-executable instructions (col. 10, lines 64-67, and col. 11, lines 1-6).

As per claim **38**, Bryant discloses:

- a first interface connectible to a client object, whereby said interface receives requests destined for said network originating from said client object (at least implicitly) (col. 3, lines 5-8 and lines 49-61);

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- a recorder object in communication with said first object for receiving said requests by way of said first interface (col. 4, lines 66-67 and col. 5, lines 1-6), and said recorder object creating a record comprising a representation of said requests (see Fig. 2, col. 3, lines 62-67, col. 4, lines 1-3, and col. 5, lines 3-6);
- a second interface connectible to said network (at least implicitly) (col. 2, lines 66-67, col. 3, lines 1-5, lines 14-26), said second interface being in communication with said recorder object wherein said recorder object transmits said request to said network by way of said second interface (col. 4, lines 50-56); and
- recorder object (col. 5, lines 52-67, and col. 6, lines 1-8).

However, Bryant does not explicitly disclose:

- calculates the time between a first of said requests and a second of said requests, and includes in said record a representation of the calculated time.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- calculates the time between a first of said requests and a second of said requests, and includes in said record a representation of the calculated time (col. 9, lines 3-6, lines 17-20 and lines 41-44).

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

As per claim 39, Bryant discloses:

a replayer object which simulates a user network transaction by sending over said network the requests represented in said record including said first request and said second request (see abstract, col. 1, lines 48-55, lines 66-67, col. 2, lines 1-19, col. 4, lines 13-24, col. 5, lines 52-67, and col. 6, lines 1-8).

However, Bryant does not explicitly disclose:

- inserting a duration of time between said first request and said second request based on the representation of the calculated time contained in said record.

In a similar art, Zilberstein discloses a system and method for gathering and disseminating detailed information regarding website visitation including:

- inserting a duration of time between said first request and said second request based on the representation of the calculated time contained in said record (col. 9, lines 3-6, lines 17-20, lines 41-44, col. 12, lines 61-67 and col. 13, lines 1-4)

Given the teaching of Zilberstein, it would have been obvious to one of ordinary skill in the art to modify Bryant by including a URL timer to determine the amount of time a user spends at each web page in a timely and efficient manner.

3. Claims **42** and **43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant in view of Zilberstein and in further view of Bryant et al (6,078,956).

As per claim **42**, Bryant in view of Zilberstein discloses the invention substantially as claims discussed above

However, Bryant in view Zilberstein does not explicitly disclose

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- wherein the recorded information indicative of said second client request is further a function of a cookie associated with said response.

In an analogous art, Bryant et al (6,078,956) discloses:

- wherein the recorded information indicative of said second client request is further a function of a cookie associated with said response (abstract and col. 2, lines 23-43; Bryant et al discloses sending response time information from a Web client to a Web server in a cookie).

Given the teaching of Bryant et al (6,078,956), it would have been obvious to one of ordinary skill in the art to modify Bryant in view of Zilberstein by including a cookie within the monitor in order to obtain information associated with a response allowing the monitor to keep track and identify user activities on a web page.

As per claim 43, Bryant in view of Zilberstein discloses the invention substantially as claims discussed above.

However, Bryant in view of Zilberstein does not explicitly disclose

- wherein at least some of the representation said requests is further a function of one or more cookies associated with said responses.

In an analogous art, Bryant et al (6,078,956) discloses:

- wherein at least some of the representation said requests is further a function of one or more cookies associated with said responses (abstract and col. 2, lines 23-43; Bryant et al discloses sending response time information from a Web client to a Web server in a cookie).

Given the teaching of Bryant et al (6,078,956), it would have been obvious to one of ordinary skill in the art to modify Bryant in view of Zilberstein by including a cookie within the monitor in order to obtain information associated with a response allowing the monitor to keep track and identify user activities on a web page.

Response to Arguments

4. Applicant's arguments with respect to claims 7-9, 16 and 37-43 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes the following arguments:

- a. Bryant does not teach information indicative of the second request is recorded such that the “recorded information indicative of said second client request is a function of said response.
- b. Bryant does not record responses as a function of requests, and in particular, does not record a second request as a function of the response to a previous request.
- c. Barrick does not teach recording or calculating the time between two requests.

In considering (a)-(c), Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
October 5, 2004


MOUSTAF A M. MEKY
PRIMARY EXAMINER